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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,661

02/15/2007

Yoav Bar-Yaakov

0-06-112

5008

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7590

06/09/2011

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424 MAIN STREET

1920 LIBERTY BUILDING

BUFFALO, NY 14202

EXAMINER

BUIE-HATCHER, NICOLE M

ART UNIT

PAPER NUMBER

1767

MAIL DATE

DELIVERY MODE

06/09/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## ADVISORY ACTION

### *Response to Amendment*

The amendment filed 05/24/2011 has not been entered. Since the product-by-process limitations have been presented and the size of the fluoropolymer granules have been deleted in the proposed amendment, further search and/or consideration is required. **Claims 1, 2, 4, 6-10, 12-21, 25, 27-36, 39, and 40** remain pending. **Claims 14-21 and 32-36** were previously withdrawn.

### *Response to Arguments*

Applicant's arguments filed 05/24/2011 have been fully considered but they are not persuasive. The following comment(s) apply:

A) Applicant's argument that the fluoropolymer concentrate based on the proposed amendment of claim 1 is clearly distinct from Kitahara's dry granular mixture (page 4) is not persuasive. In regards to the product-by-process limitations and the size of the fluoropolymer granules in the proposed amendment, the argument directed to this issue has NOT been responded to as it requires further search and/or consideration.

B) Applicant's argument that the fluoropolymer concentrate of the invention discloses several advantages over the mixture of Kitahara (pages 4-6) is not persuasive. Applicant's assertion of unexpected results is not supported by any objective evidence. The arguments of counsel cannot take the place of evidence in the record. *In re Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965). See MPEP § 716.01 (c).

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C) Applicant's argument that Kitahara teaches against the use of conventional fluoropolymer powders (page 6) is not persuasive. Since Kitahara teaches the fluoropolymer granules as required by the instant claim, the claimed limitations are met.

D) Furthermore, in response to applicant's argument that Kitahara does not teach or suggest how to improve the dispersal of conventional fluoropolymer powders in a thermoplastic resin (page 6), the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICOLE M. BUIE-HATCHER whose telephone number is (571)270-3879. The examiner can normally be reached on Monday-Thursday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571)272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1767

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. M. B./  
Examiner, Art Unit 1767  
5/31/2011

/Mark Eashoo/  
Supervisory Patent Examiner, Art Unit 1767